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- (c) At military establishments and institutions such as military commissariats, hospitals, warehouses, etc;
 - (d) At the main and central directorates of the Ministry of Armed Forces of the USSR.
4. Cases involving regimental commanders, commodores and naval captains and officers of similar rank are tried in courts of honor organized at the headquarters of the commander of a military district, army group, fleet commander, or flotilla commander. In the cases of separate troop units, district military administrations, army group administrations, military institutions, and establishments as well as institutions, establishments, and administrations connected with fleets and flotillas, courts of honor are organized depending on the number of officers belonging to them.
 5. The decision as to whether the officer complement of such organizations is adequate or sufficiently large to warrant a court of honor is made by the commander of the forces of a given military district, army group, or fleet or flotilla commander. The troop commander of a military district, army group, or the commander of a fleet or flotilla has the authority to turn over cases involving officers of those units, (establishments and institutions), districts, army groups, fleets and flotillas which do not have courts of honor (because of the small number of officers belonging) to other courts of honor.
 6. Courts of honor for junior and senior officers with the main and central directorates of the Ministry of Armed Forces are organized depending on the number of officers attached to such units. The decision as to whether the officer membership of a given organization is sufficiently large is made by the official in charge of the given directorates.
 7. Courts of honor for trying cases of junior officers consist of five members selected at a meeting of all officers belonging to the given unit (battleship, ships company, and commands corresponding to them and higher). Officers eligible for this duty are senior officers (with the exception of individual unit commanders, and ship commanders) and captains or lieutenant commanders who had served not less than one year at the time of the selection of judges for the court panel. At least one senior officer should be elected to the court which is organized to try junior officers.
 8. The court of honor for trying cases involving senior officers likewise consists of five members. These judges are selected from among the senior officers of the division (of an individual brigade), ships company, or commands corresponding to them, and higher commands.
 9. In addition to the five members mentioned, each court of honor has two alternate members. One member is selected to the court panel from among the senior officers of the individual unit of the division, separate brigade, or ship which was not represented on the court panel. Such spare members are included in the court panel in trying a case involving an officer of his own unit or vessel. They also take the place of some other regular court member who might have been detached. The purpose is to have five members available for court duty at all times.
 10. Courts of honor for trying regimental commanders, naval commodores and captains, and officers of equivalent rank consist of five members appointed by military district commandants, army group commanders, fleet and flotilla commanders. Such a panel of judges is appointed anew for trying each new case. In such cases the members of the court of honor consist of commanders of large units with the exception of those who are directly superior to the officer on trial. Officers who are under investigation, or those who are being tried are not eligible to membership on the court panel. Members to the court are elected by secret vote. Each electing officer has the right to nominate a candidate, or voice objection to any candidate. Objection to a given candidate is expressed by open vote. The seven candidates who receive the greatest number of votes become members of the court -- the two having the least number being the spare members.

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11. The president of the court and his deputy are elected by open vote. Elections to the court of honor are held annually, the time of such elections being designated by the commandant of a military district, army group commander, fleet or flotilla commanders. Officers who had served previously on a court of honor are eligible for reelection to such duty.
12. The time when elected members are to convene for duty, and the results of their findings are published as follows:
 - (a) Trials involving junior officers -- in an order for the unit or in the ships order of the day;
 - (b) Trials involving senior officers -- in an order for the division, ships company, and to equivalent units and larger units.
13. If the members of a court panel are detached from a given unit, or if they are recalled by the electing body, new elections are held. Consideration of a given case should always be preceded by an inquiry into the acts committed by the accused. The inquiry is conducted by an officer appointed by the official head under whose administration the court is held. The investigational procedures are in accordance with regulations set forth for conducting such investigations.
14. Persons who are liable to disciplinary action and witnesses necessary to conduct a given investigation are summoned by an order issued by the commander under whose administration a given court of honor comes. Upon reviewing the evidence available, the commander decides whether the accused should be turned over to the court for trial. If he decides that the case must be tried, he turns it over to the president of the court.
15. After the matter has been turned over to the court of honor, the accused is presented with the findings of the investigation. He has the right to ask the president of the court to summon additional witnesses and may ask that documents and statements be made available. In valid cases the president of the court may permit such procedure; if not he issues his decision indicating the basis for his refusal.
16. As a rule, the courts are held in open session and may be attended by officers whose rank is below that of the person being tried. The function of the court is to consider all the information bearing on the case, summoning the accused, hearing his testimony and checking the veracity of his statements.
17. If the accused cannot show good cause (why he shouldn't be tried) the court considers the evidence against him and passes sentence after the defendant has been removed from the courtroom. Failure on the part of the accused to appear before the court constitutes an additional charge. The accused may challenge some member of the court; by the same token, members of the court may recuse themselves from participation in the court. After hearing the explanations the court decides whether the recusation is valid or not. The court member against whom the objection has been raised cannot take part in the decision. The decision of the court of honor with regard to the recusation is set forth in a special decree which is annexed to the judgment of the court. In order to pass sentence, the court indicates that the session is terminated and the members retire to a separate chamber. If any pertinent evidence is found in the information presented, the court adjourns without fixing the sentence. The sentence of the court is determined by majority vote openly conducted.
18. The court is empowered to:
 - (a) vindicate the defendant,
 - (b) admonish him,
 - (c) issue mild reprimands or offer suggestions,
 - (d) issue stern reprimand,

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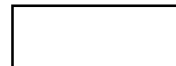
- (e) petition that the promotion of the defendant to the next higher rank be postponed,
- (f) petition that the accused be demoted in rank or position,
- (g) petition that the accused be transferred to some other military district, fleet, or flotilla,
- (h) petition that the accused be transferred to the reserve corps.

19. In addition to the foregoing, the courts of honor in the elite (guard) units can take steps to deprive the guilty of his elite rank and have him transferred from the unit. The sentence of the court is signed by the president of the court and by all its members. It is then read to the defendant and passed on to the official who called for the trial in the form of a report along with all the inclosures.
20. Grievances against the judgment of the court of honor are not permissible. They are allowable only in the event that certain laws set forth for the courts have been violated. The complaint is given directly to the official who sanctioned the court and must be presented within three days after sentence has been passed on the defendant. If the official finds the grievance just, or, if upon personally reviewing the case he finds that there has been a violation of established regulations, he has the authority to rescind the sentence and order the president of the court to form a new court of honor; he will admonish that all establishment regulations be observed.
21. In the event sentence has been passed to demote the accused officer, or to remove him to a lesser station, to transfer him to some other military district, fleet, or flotilla, to have him removed from the elite unit, or to release him to the reserve corps, the official under whose authority the trial was carried out submits the petition with the inclosure on the original sentence, together with all the data of the case, through channels to the higher command. The sentence of the court, after it has been reviewed by the official under whose jurisdiction the court was held, can be announced to the junior officers at a meeting of such officers. It is announced to the senior officers at a special meeting calling them together.
22. Officers courts of honor have been in effect only during the postwar period. The main function of such courts is to promote better discipline among the officers; it is supposed to improve their morale when they lose their bearings or when they violate the rules of good order and good discipline in the army.
23. On the basis of the past it can be concluded that officer courts of honor are of an exhibitory nature, that is, they were supposed to have an effect on the morale of the defendant. Whenever an officers court of honor was held in military units, an order was issued that attendance at such a court was mandatory on the part of all officers in that unit (that is, all officers whose rank was equal to or greater than that of the defendant). This is explained by the fact that the command elements of that unit did not desire to punish the accused officer by inflicting the strictest punitive measures, namely, of turning him over to the military tribunal.
24. To be tried by a war tribunal means to be subjected to a very rigid punishment and extreme disgrace. This holds true not only for the officer accused, but to his unit as well. Trial by a war tribunal results from the fact that other measures were not brought to bear on the officer, and from the fact that prior to the commission of a certain act on the part of an officer insufficient influence was exerted upon him by his brother officers among whom he served. This, then, is the reason why being tried by a military tribunal is a disgrace to all the personnel of the unit in which he served. It means that the training in that particular unit was of an exceptionally low order.
25. Therefore, the function of officer courts of honor is to avoid instances of this sort -- they exist for the purpose of decreasing the number of cases of officers who must be tried by military tribunals.

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26. Apart from the foregoing, there have been numerous instances of improper behavior, poor discipline and violations of all types on the part of officers during the postwar period. It would have been impossible for all such cases to have been tried by the war tribunal. It was necessary that certain of its functions be performed by the courts of honor. By the way of summary it should be mentioned that although the officer courts of honor in the Soviet Army were an innovation in the post war period in the matter of properly guiding the officer personnel, they did not, nevertheless, prove themselves in practice.
27. This is explained by the following facts:
- (a) We must remember that the psychology, practice, custom, or order (call it what you may) which prevails within the Soviet Army is to convert any measure -- if it is a new device -- into a campaign. That is, everything which appears for the first time is given the greatest possible importance or significance. The same held true for these officer courts of honor. When the regulation about these courts first was issued, everyone talked about the measure. A great deal of importance was attributed to them and this talk was simply developed into a sort of campaign. After a certain period of time, the excitement died down, and less importance was attached to them (as had been true of all other similar measures in the past).
 - (b) In order that the officer courts of honor be at all significant or important, it was essential that a code of laws be set up clearly defining their authority, that is, set forth the limits within which they can pronounce sentences on officers brought before them. At the present time their greatest authority consists in demoting an officer or relegating him to a post of lesser importance, and prolonging the period until his next promotion. All the other prerogatives of the court are mere formalities and have absolutely no effect upon the officer personnel. Another situation peculiar to these officer courts of honor consists in the fact that their members are not always interested in adopting the most severe measures against the defendant -- this is one of its weak points. Then again, the main purpose of these courts is to act as a guiding body to the officer personnel.
 - (c) If the officer courts of honor adopt the sternest possible measures against the accused -- measures which are entirely within their jurisdiction -- such judgments are passed along by official channels to the attention of the commanding officials under whose cognizance such courts pass.
28. Let us assume that the court has adopted a decision -- the sternest decision possible within its power, namely, that of demoting an officer and relegating him to a lesser station -- and this decision has been passed along through the following channels: to the regiment, to the division, and to the Central Army Group. The results may have been somewhat as follows: the regimental commander was satisfied with the decision of the court, because the court was under his direct cognizance; the decision then passes along to the division commander, who, in turn, is likewise in accord with it because he wants to support the attitude of the regimental commander and the authority of the court in the matter of upholding or promoting good discipline among the officer personnel in this unit. In addition, he supports the action of the court because the officer, after all, is directly a member of his organization and the commander is interested in preventing the accused officer from becoming the subject of disciplinary action (by the war tribunal).
29. Finally, the case comes before the attention of the commanding officer of the Central Army Group, who considers it on the basis of the better interests of the entire army group. He is more fully apprised with regard to conditions prevailing among the officer personnel in the army group at any given time, and decides, therefore, not to approve of the decision. In consequence of this action, the entire campaign, if you will, has gone for naught -- the statements with respect to the effectiveness of the officer courts of honor have lost all significance. To be sure, the example I have cited is the exception rather than the rule. They seem to occur whenever the courts express their authority, that is, when they adopt the sternest measures within their jurisdiction.

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30. The work of the officer members of the court constitutes extra duty and takes up a great of the officers personal time. He still has to perform those specific duties which had been assigned to him. It frequently happens that the member of the court has to spend a great amount of time in court work, and is, therefore, less effective to the unit.
31. In actual practice, things like officer courts of honor first assume the aspects of a campaign -- everyone is enthusiastic about the new procedure -- but shortly after there is failure to abide by established regulations governing such procedures. Let us just assume a simple thing like the election of officers to the panel of the court of honor. Such elections are supposed to be held annually, but in practice they are not held in accordance with schedule. Certain members of the court are detached from the unit for one or another reason and supplementary elections are not held. As a result, the court ceases to be an authoritative body, that is, it loses its rights. As time goes on the court does less and less work. The shortcomings which I have listed are not necessarily the prevailing rule that can be applied to all courts, but there are very many instances of this sort. The fact is that they possess more disadvantages than advantages.
32. Generally speaking, the authority of the officer courts of honor in the practical life of the forces of the Soviet Army is insufficient to cope with the many tasks which devolve upon them.
33. There are many deficiencies in the direct activities or functions of the court. Prior to the elections of new members to the court panel, the old board renders a report of its activities to the assembled officers of the unit. These reports usually indicate that the performance of the court has been poor. The court does not function in a regular manner -- it operates by jerks, so to speak. When they finally begin to function, they try several violators (officers) without interruption because the number of transgressors has increased in the meantime. Such a situation is undesirable from the standpoint of the command elements of any echelon. Since this is carrying things to an extreme (and imposes on the officers time for other duties) the court is suspended.
34. There is another situation peculiar to these officer courts of honor. Six months after a sentence has been imposed on a given officer, he has the right to submit a petition to have the judgment of the court rescinded; the court, as a rule, complies with the petition and recalls its decision. We can assume that in principle, the officer who had been penalized, has now been vindicated. Some other officer may observe this and will lose his respect for the court thinking, "What if they do try you, after all, won't they soon rescind their decision?"
35. However singular it may seem, it is a fact, nevertheless, that in electing candidates to the court of honor there are, on occasion, insufficient adequate candidates eligible for membership on the court panel. I am thinking now of officers whose conduct has been of a sufficiently exemplary nature to enable them to be members of the court and pass judgment on others.
36. As far as the observance of official or established procedure is concerned in holding such courts, it must be mentioned all the regulations set forth are adhered to; all the rules governing the election of members to courts of honor are properly observed. In exercising the right of secret voting no fraud is practiced. Of course, the influence of the commanding officer who authorized the court is effective on the members of the panel. In fact, his influence may even effect their decision.

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